

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

PETE SMITH,

Petitioner,

v.

CIVIL ACTION NO. 2:05-cv-00240

MENIFEE,

Respondent.

MEMORANDUM OPINION AND ORDER

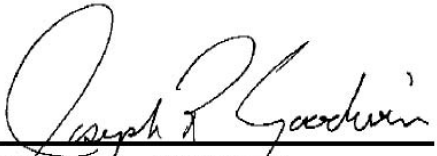
Pending before the court is the petitioner's motion under 28 U.S.C. § 2241 for a writ of habeas corpus. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court deny the petitioner's § 2241 motion.

Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge, and **DENIES** the petitioner's § 2241 motion.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER: August 30, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE